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REMARKS

The Examiner states at page 8 of the Final Action

> What is not a "matter of routine experimentation" in this complex, unpredictable art is arriving at superconductive compositions outside the scope of the allowable claims (e.g., subsequently discovered BSCCO or Tl-systems as disclosed in Rao (see response filed 3/8/05, pages 141-143). The Examiner respectfully maintains that the instant disclosure has not provided sufficient guidance to produce such materials.

A BSCCO compound is an acronym for a Bi-Sr-Ca-Cu-O compound. i.e. a bismuth-strontium-calcium-copper oxide compound. See article attached herwith from the on-line Wickapedia Encyclopedia.

The Examiner states referring to Poole 1988 (Brief Attachment AF and AW) at page 18 of Office Action dated 07/28/2004:

> Finally, the Preface states in part at A3: "The unprecedented worldwide effort in superconductivity research that has taken place over the past two years has produced an enormous amount of experimental data on the properties of the copper oxide type materials that exhibit superconductivity above the temperature of liquid nitrogen. During this period a consistent experimental description of many of the properties of the principal superconducting compounds such as **BiSrCaCuO**, LaSrCuO, **TlBaCaCuO** and YBaCuO has emerged, The field of high-temperature superconductivity is still evolving ..." (Emphasis added.)

Poole 1988 specifically describes BSCCO and thallium (Tl) compounds.

As noted many times in the prosecution of this application Poole 1988 (See ¶ 48 of DST AFFIDAVITS Brief Attachments AM, AN and AO) states at page 59:

> [c]opper oxide superconductors with a purity sufficient to exhibit zero resistivity or to demonstrate levitation (Early) are not difficult to synthesize. We believe that this is at least partially responsible for the explosive worldwide growth in these materials.

Poole 1988 further states at page 61:

> [i]n this section three methods of preparation will be described, namely, the solid state, the coprecipitation, and the sol-gel techniques (Hatfi). The widely used solid-state technique permits off-the-shelf chemicals to be directly calcined into superconductors, and it requires little familiarity with the subtle physicochemical process involved in the transformation of a mixture of compounds into a superconductor.

Since skilled artisans can fabricate samples without knowing the "subtle physiochemical process involved" and without a detailed theory, this art is predictable.

In Applicants' SECOND SUPPLEMENTAL AMENDMENT submitted March 8, 2005 Applicants state in the paragraph bridging pages 153 and 154:

> Charles Poole et al. published another book in 1995 entitled "Superconductivity" Academic Press which has a Chapter 7 on "Perovskite and Cuprate Crystallographic Structures". (See Attachment Z). This book will be referred to as Poole 1995.
>
> At page 179 of Poole 1995 states:
>
> > V. PEROVSKITE-TYPE SUPERCONDUCTING STRUCTURES
> > In their first report on high-termperature superconductors Bednorz and Muller (1986) referred to their samples as "metallic, oxygen-deficient ... perovskite-like mixed-valence copper compounds." Subsequent work has confirmed that the new superconductors do indeed possess these characteristics.
>
> Thus Poole 1988 states that the high T_c superconducting materials "are not difficult to synthesize" and Poole 1995 states that "the new superconductors do indeed possess [the] characteristics" that Applicants' specification describes these new superconductors to have.

Poole 1995 is Brief Attachment Z and Poole 1988 is Brief Attachment AW.

Thus the BSCCO and thallium compounds referred to by the Examiner at page 8 of the Final Action, as quoted above, are described in Poole 1988 as being "not difficult to synthesize" and in Poole 1995 as having the properties that Applicants' teaching teaches they have. Thus Applicants teaching enables the BSCCO and thallium compounds referred to by the Examiner at page 8 of the Final Action.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

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By: 

Dr. Daniel P. Morris, Esq.
Reg. No. 32,053
Phone No. (914) 945-3217

IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598